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8
9 **BEFORE THE**
BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 880-A

12 **NASRALLAH NICHOLAS ABOU-FADEL**
13 **2900 Park Newport No. 423**
14 **Newport Beach, CA 92660**

A C C U S A T I O N

15 **Civil Engineer License No. C 50588**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. David E. Brown (Complainant) brings this Accusation solely in his official capacity
21 as the Executive Officer of the Board for Professional Engineers and Land Surveyors,
22 Department of Consumer Affairs.

23 2. On or about March 12, 1993, the Board for Professional Engineers and Land
24 Surveyors issued Civil Engineer License Number C 50588 to Nasrallah Nicholas Abou-Fadel
25 (Respondent). The Civil Engineer License will expire on September 30, 2011, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board for Professional Engineers and Land Surveyors (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Code section 118, subdivision (b), provides that the suspension, expiration, surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

5. Code section 6775 states, in pertinent part, that

The board may reprove, suspend for a period not to exceed two years, or revoke the certificate of any professional engineer registered under this chapter:

....

(c) Who has been found guilty by the board of negligence or incompetence in his or her practice.

COSTS

6. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

CAUSE FOR DISCIPLINE

(Negligence)

7. Respondent is subject to disciplinary action under Code section 6775(c) in that Respondent was negligent in the engineering work he performed on the Hideaway Development in La Quinta, California. The circumstances are as follows:

8. The Hideaway Development is a residential project consisting of four plan types of wood frame construction with tile roofs and a stucco finish exterior. The lateral systems consist of primarily plywood shear walls or plywood pre-fab shear panels. Two of the residential plan

1 types in the Hideaway Development were designed with cantilever columns along a single grid
2 line, to laterally support the roof over the rear deck areas. The design of the cantilevered columns
3 were deficient and constitute negligence in the following areas:

4 a. In the calculations for plan 1, the yielding stress of the pipe column was listed as 50
5 ksi, whereas from page 1-92 of the Ninth Edition of the Manual of Steel Construction Allowable
6 Stress Design, the minimum yield stress is listed as 35 ksi.

7 b. An incorrect unbraced height was listed as 0.000 feet, when the unbraced height of
8 the column is 11 feet.

9 c. Sidesway is listed as restrained, where the sidesway should be unrestrained for all
10 cantilever columns.

11 d. There is no analysis for a footing to support the cantilevered columns in the
12 residential plan type 1.

13 e. In the residential plan types 1 and 4, the incorrect R value is used for the lateral
14 system per Table 16-N of the 1997 Uniform Building Code. A maximum value of 2.2 should be
15 used for cantilever columns, but Respondent indicated a value of 4.5.

16 f. In the residential plan types 1 and 4, the specified column does not meet the story
17 drift limitations as prescribed in 1997 Uniform Building Code section 1630.10.

18 9. On sheet F1 of the calculations, a bearing calculation was done to check the size of
19 the continuous footings, however, the continuous footings were not checked for the moment
20 capacity required to resist the overturning moments at the shear walls. A maximum allowable
21 point load is calculated by bearing only, which is less than the uplift forces of the shear walls on
22 line 6 and line 9 on sheets L15 and L17. This method does not account for the moments induced
23 in the footings due to the combination of tension and compression forces at opposite ends of the
24 shear walls and constitutes negligence.

25 PRAYER

26 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
27 and that following the hearing, the Board for Professional Engineers and Land Surveyors issue a
28 decision:

- 1 1. Revoking or suspending Civil Engineer License Number C 50588, issued to Nasrallah
2 Nicholas Abou-Fadel;
3 2. Ordering Nasrallah Nicholas Abou-Fadel to pay the Board for Professional Engineers
4 and Land Surveyors the reasonable costs of the investigation and enforcement of this case,
5 pursuant to Business and Professions Code section 125.3; and
6 3. Taking such other and further action as deemed necessary and proper.

7
8 DATED: 2/17/10

Original Signed

9 DAVID E. BROWN

10 Executive Officer

11 Board for Professional Engineers and Land Surveyors

12 Department of Consumer Affairs

13 State of California

14 *Complainant*

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